

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ENDO PHARMACEUTICALS INC.,

Plaintiff,

v.

C.A. No. 1:19-cv-00437-MN

PERRIGO UK FINCO LIMITED
PARTNERSHIP,

Defendants.

CONSENT JUDGMENT AND DISMISSAL ORDER

WHEREAS, this action for patent infringement has been brought by Plaintiff Endo Pharmaceuticals Inc. (“Endo”) against Defendant Perrigo UK FINCO Limited Partnership (hereinafter “Perrigo”), for infringement of U.S. Patent Nos. 7,229,636, 7,404,489, 7,879,349, 8,003,353, 8,940,714 and 9,415,007 (the “Patents” and such action, the “Litigation”); and

WHEREAS, Endo and Perrigo have agreed to terms and conditions representing a negotiated settlement of the Litigation and have set forth those terms and conditions in a Settlement Agreement (the “Settlement Agreement”);

Now, the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment in the action as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The District Court has jurisdiction over the subject matter of the above-captioned action and has personal jurisdiction over the parties for purposes of this action only.

2. As provided in the Settlement Agreement, and solely with respect to the product that is the subject of Perrigo's Abbreviated New Drug Application ("ANDA") No. 212458, the Patents are valid and enforceable. For the avoidance of doubt, the foregoing shall not preclude Perrigo from, *inter alia*, challenging the validity, enforceability and/or infringement of the Patents in any action or proceeding involving any Perrigo products or ANDAs other than ANDA No. 212458.

3. Defendant Perrigo has infringed the Patents pursuant to 35 U.S.C. § 271(e)(2) by filing ANDA No. 212458.

4. Except as and to the extent permitted by the Settlement Agreement, Perrigo and its Affiliates, including any of their successors and assigns, are enjoined from making, having made, using, selling, having sold, offering to sell, importing, having distributed, or distributing any cyanocobalamin spray product pursuant to ANDA No. 212458, either directly or indirectly, on its own part or through any Affiliate, officer, agent, servant, employee, or attorney, or through any person in concert or coordination with Perrigo or any of its Affiliates, until permitted to do so under the terms and conditions of the Settlement Agreement.

5. For purposes of this Consent Judgment, the terms "Affiliate" or "Affiliates" shall mean, with respect to any Party, any person or entity that directly or indirectly (through one or more intermediaries) controls, is controlled by, or is under common control with that Party. For this purpose, "control" of a corporation or other business entity shall mean direct or indirect beneficial ownership of more than fifty percent (50%) of the voting interest in, or more than fifty percent (50%) in the equity of, or the right to appoint more than fifty percent (50%) of the directors or management of, such corporation or other business entity.

6. Except to the extent set forth above, all claims, counterclaims, affirmative defenses, and demands of the Parties in this action are hereby dismissed with prejudice and without costs, disbursements, or attorneys' fees to any Party.

7. The Parties expressly waive any right to appeal from this Consent Judgment.

8. Compliance with this Consent Judgment may be enforced by Parties and their successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

9. This Court retains jurisdiction over the Parties for purposes of enforcing this Consent Judgment as well as any dispute regarding the Settlement Agreement.

10. The Clerk of the Court is directed to enter this Consent Judgment and Order forthwith.

IT IS SO STIPULATED:

RICHARDS, LAYTON & FINGER

PHILLIPS, GOLDMAN, McLAUGHLIN & HALL, P.A.

/s/ Steven J. Fineman

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Attorneys for Plaintiff

Endo Pharmaceuticals Inc.

SO ORDERED this ____ day of _____ 2019

Maryellen Noreika, U.S.D.J.